

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

As a preliminary matter, it should be noted that claim 16 has not been identified as being rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a), however, the Office action includes analysis of the language of claim 16 at the end of the analysis of claims 13-15 under 35 U.S.C. § 102(b). Accordingly, Applicant has treated claim 16 as being rejected under 35 U.S.C. § 102(b).

Status of the Claims

Claims 13-28 are pending. Claims 13 and 23 are currently amended to more clearly define pre-existing claim limitations. No claims are canceled. No claims are added. No new matter has been added.

Response to Restriction Requirement

The Office action has issued a restriction under 35 U.S.C. § 121 for the following inventions: I. Claims 13-22, drawn to an apparatus, classified in class 34, subclass 90. II. Claims 23-28, drawn to a method, classified in class 34, subclass 468. In particular, the Office action states:

In this case the process as claimed can be practiced by another and materially different apparatus or by hand because the independently claimed group II steps of controlling an operational parameter and generating an air flow to counteract a deposition are not limitations found in the independently claimed group I invention. The independently claimed group I invention recites at least one circuit element but not the independently claimed group II step of controlling and

air flow generation but not the counteract step such that the process could be practiced by hand or another materially different apparatus.

The Applicant respectfully disagrees with the restriction requirement because the process as claimed cannot be practiced by another materially different apparatus or by hand because these limitations, or similar limitations, are found in the independently claimed group I invention, and because the process is performed using devices, such as the at least one circuit element, and the air flow generating device.

The subject matter of preventing water deposition, and generating an air flow to counteract a deposition is found in the independently claimed group I invention. Claim 13 recites:

An apparatus, comprising:

a switch cabinet for a wind turbine;

at least one circuit element coupled to the switch cabinet; and

a drying arrangement to **prevent water deposition** onto the at least one circuit element, the drying arrangement **including an air flow generating device to generate an air flow in a region of the at least one circuit element to counteract the water deposition onto the at least one circuit element.**

(Emphasis added).

Applicant respectfully submits that claim 13, as amended, recites “to prevent water deposition,” “to generate an air flow,” and “to counteract the water deposition onto the at least one circuit element.” Claim 23, as amended, recites “generating an airflow in the internal space of the switch cabinet using an air flow generating device to counteract a deposition of condensation water onto the at least one circuit element.” As such, the independently claimed groups I and II include recites at least one circuit element, an air flow generating device. Accordingly, Applicant respectfully traverses the restriction requirement. Since the invention has been constructively elected by original presentation for prosecution on the merits, and the claims 23-28 have been withdrawn from consideration, under 37 CFR 1.142(b), the Applicant respectfully requests

reconsideration of the restriction requirement under 37 CFR 1.142(b), and provisionally elect independently claimed group I for prosecution in the event the requirement becomes final.

Response to Rejections under 35 U.S.C. § 102(b) and § 103(A)

Claims 13-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,722,825 to Roethel (hereinafter “Roethel”). Claims 17-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roethe in view of U.S. Patent No. 3,332,620 to Streed et al. (hereinafter “Streed”). Applicant respectfully requests withdrawal of these rejections because the cited reference fails to disclose all of the limitations of the claims.

CLAIMS 13-22

Claim 13 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Roethel. Applicant respectfully submits that claim 13 is patentable over the cited reference because Roethel does not disclose all of the limitations of the claim. Claim 13, as amended, recites:

An apparatus, comprising:

a switch cabinet for a wind turbine;

at least one circuit element coupled to the switch cabinet; and

a drying arrangement to prevent water deposition onto the at least one circuit element, the drying arrangement including **an air flow generating device to generate an air flow in a region of the at least one circuit element to** counteract the water deposition onto the at least one circuit element. (Emphasis added).

Applicant respectfully submits that claim 13 requires a switch cabinet for a wind turbine and an air flow generating device. Roethel fails to disclose at least these limitations of the claim.

Roethel is directed to roof ventilators for closed automobile bodies, such as a motor fan ventilator. Roethel, col. 1, lines 1-4. The objects of the invention of Roethel include making the device even more water-excluding, eliminating interference by draft due to the motion of the car with the positive motor-controlled ventilations of the body. Roethel, col. 1, lines 7-12. The Office action purports that the limitation of a switch cabinet for a wind turbine is met by the unit 5, dome proper 6, shell 7, and fan 28. These components, however, are components of a motor fan ventilator, not a wind turbine. A motor fan ventilator is not a wind turbine. Also, the fan 28 of the motor fan ventilator is not a wind turbine. A wind turbine is a turbine that is powered or driven by the wind. Fan 28 is a motor fan that is powered or driven by the motor. As such, Roethel fails to disclose a switch cabinet for a wind turbine, as required by claim 13.

Moreover, even if for the sake of argument, the fan 28 constitutes a wind turbine, the fan 28 cannot also be used to satisfy the separate claim limitation of an air flow generating device. As such, Roethel fails to disclose an air flow generating device, as required by claim 13.

Given that the cited reference fails to disclose all of the limitations of the claim, Applicant respectfully submits that claim 13 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Given that claims 14-22 depend from independent claim 13, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 14-22 are

also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 14-16 under 35 U.S.C. § 102(b) and the rejection of claims 17-22 under 35 U.S.C. § 103(a) be withdrawn. Applicant submits that claims 13-22 as amended are now in condition for allowance and such action is earnestly solicited.

CLAIMS 23-28

Claim 23 is patentable over the cited references for similar reasons described above with respect to claim 13. Given that claims 24-28 depend from independent claim 23, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 24-28 are also patentable over the cited reference. Assuming the Office action reconsiders and withdraws the restriction requirement of claim 23-28, Applicant submits that claims 23-28 as amended are now in condition for allowance and such action is earnestly solicited.

CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Michael Mallie at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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